

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RONDEL DELBERT GARDNER,  
Plaintiff,  
v.  
GAVIN NEWSOM, et.al.,  
Defendants.

No. 1:20-cv-00240-NONE-SAB (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS TO DENY MOTION FOR  
SPEEDY HEARING ON DECLARATORY  
JUDGMENT CLAIM

(Doc. Nos. 45, 46)

Plaintiff Rondel Delbert Gardner is proceeding *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 10, 2020, the magistrate judge issued findings and recommendations recommending that plaintiff's motion brought pursuant to Federal Rule of Civil Procedure 57 for a speedy hearing of his declaratory judgment claim in this action be denied as premature because defendants had not yet filed an answer and the time for them to do so had not yet expired. (Doc. No. 46.) The findings and recommendations were served on plaintiff and contained notice that objections were due within twenty-one (21) days. (*Id.*) Plaintiff filed objections on July 27, 2020. (Doc. No. 49.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's objections, the court concludes that the magistrate judge's findings and recommendations are supported by the record

1 and by proper analysis. The objections do not undermine the reasoning presented in the findings and  
2 recommendations.

3 Accordingly,

- 4 1. The findings and recommendations issued on July 10, 2020, (Doc. No. 46), are adopted  
5 in full; and  
6 2. Plaintiff's motion for declaratory judgment (Doc. No. 45) is denied.

7  
8 IT IS SO ORDERED.

9 Dated: August 18, 2020

  
UNITED STATES DISTRICT JUDGE